

**REMARKS/ARGUMENTS**

As an initial matter, the undersigned is the attorney of record in the above-identified application. A change of address was submitted on April 26, 2007, copy enclosed, however, mail is still being directed to the previous address. Please correspond with the undersigned at the address shown below.

Claim 1 has been amended to call for the closure part (4) to be movable in a vertical direction. Claims 13, 14 and 15 have been amended for syntactical or support purposes.

The rejection of claim 15 under 35 U.S.C. § 112, second paragraph, is believed obviated by the amendment to claim 15 calling for the bores or ducts (of claim 14) to have the apertures referred to.

The rejection:

of claims 1, 5 – 7, and 9-15 under 35 U.S.C. § 102(b) as being  
anticipated by US 3,249,261 to Benediktson, and

of claim 15 under 35 U.S.C. § 103(a) as unpatentable over Benediktson  
in view of US 2,779,514 to Keibel,

are both respectfully traversed.

Benediktson does not anticipate any of the claims. The examiner is overlooking that Benediktson does not disclose the inner cylindrical extension that functions as a guidance for the closure part and also lacks the spring tongue. In particular, the inner cylindrical extension of the valve disc results from a different actuation principle of the present valve, when compared to Benediktson's valve.

As shown in Fig. 2 of Benediktson, the valve is actuated by tilting the closure part. Upon tilting, a central stem within the closure part is moving sideways and downwards and engages the center of the spring valve member to push it downwardly. This removes the sealing ring from its seat at the inner part of the valve disc. The foaming material then may path around the spring valve member to the central opening and leave the pressurized can. The functioning of the present valve is different. The closure part or valve stem is actuated by pushing it down, not by tilting. The inner cylindrical extension supports and guides the up

and down movement of the stem and does not allow any tilting. When moving downwards, the stem removes the sealing element from its seat so that the foaming agent can pass through the slit formed between sealing element and seat into the stem of the valve.

In the present valve, an elastic element is arranged on the valve disc, which cooperates with a rigid sealing element which is either an extension of the stem or a separate part attached to the stem. According to Benediktson, the sealing element is an up extension of the spring element and the elastic element a sealing ring mounted on the spring valve member.


As a consequence of the different actuation principle, it is not possible to use the Benediktson valve in connection with a foam gun. The present valve is for use with foam guns, as can be seen from the O-ring present at the top of the stem, see also page 7, paragraph 1 of the present specification, reference no. 18.

The Commissioner is hereby authorized to charge payment of any fees required associated with this communication or credit any overpayment to Deposit Account No. 50-3881. If an extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-3881.

Applicant believes the claims are in condition for allowance and respectfully solicits a Notice of Allowance.

Dated: October 23, 2008

Respectfully submitted,

By 

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